

JACK CARPENTER

JULY 1, 1952.—Committed to the Committee of the Whole House and ordered to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 7687]

The Committee on the Judiciary, to whom was referred the bill (H. R. 7687) for the relief of Jack Carpenter, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to pay the sum of \$85 to Jack Carpenter, of Milwaukee, Wis., in full settlement of all claims of said Jack Carpenter against the United States for reimbursement of the amount which he paid Bruce J. Walthers recovered against him for damages arising out of a collision which occurred on March 24, 1951, in Milwaukee, Wis., and involved a vehicle operated by said Bruce J. Walthers and a vehicle owned by the United States and operated by said Jack Carpenter as an employee in the field service of the Post Office Department.

STATEMENT OF FACTS

The report from the Postmaster General dated June 9, 1952, gives in detail the history of this proposed legislation, and recommends enactment of this bill.

After careful consideration, the committee concurs in that recommendation.

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington 25, D. C., June 9, 1952.

Hon. EMANUEL CELLER,
Chairman, Committee on the Judiciary,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request for a report on H. R. 7687, a bill for the relief of Jack Carpenter.

This measure authorizes the Secretary of the Treasury to pay to Mr. Carpenter, an employee of the Milwaukee, Wis., post office, the sum of \$85, as reimbursement of the amount which Mr. Carpenter paid to Bruce J. Walthers in the settlement of a judgment for damages arising out of an accident which occurred on March 24, 1951.

From information furnished by the postmaster at Milwaukee, Wis., it appears that Mr. Carpenter, operating a mail truck in the parcel-post-delivery service, had parked the truck at the west curb, in the 4500 block on North Bartlett Avenue, facing south. After completing delivery of a parcel, he drove the truck from the parked position and was already in the proper south-bound traffic lane when he noticed a north-bound private vehicle approaching at a rapid rate of speed. Carrier Carpenter could see that the driver of the private vehicle was attempting to slow down his vehicle but, due to the excessive speed and the icy and slippery condition of the pavement, was unable to do so. It appeared that the private vehicle could not avoid striking the mail truck so carrier Carpenter stopped his truck, placed it in reverse gear but could obtain only enough traction to move the truck backward approximately 5 feet. The private vehicle skidded about 50 feet before contacting the stationary mail truck. The collision resulted in slight damage to the right front bumper of the mail truck, but caused considerable damage to the right front fender, radiator grille, and right headlight of the private vehicle.

Instead of filing a claim against the Government, Mr. Walthers elected to proceed against Carrier Carpenter in State court, and he secured a judgment in the amount of \$66.75. Court costs in the amount of \$17.10 were assessed against the carrier. The Department does not have authority under the Federal Tort Claims Act to pay such a judgment. However, it is inequitable that the carrier should be compelled to bear this loss.

In view of the foregoing, this Department recommends favorable consideration of the bill.

This Department has been advised by the Bureau of the Budget that it would have no objection to the presentation of this report to the committee.

Sincerely yours,

V. C. BURKE,
Acting Postmaster General.

POST OFFICE DEPARTMENT,
OFFICE OF THE SOLICITOR,
Washington 25, D. C., May 12, 1952.

THE NATIONAL ASSOCIATION OF LETTER CARRIERS, INC.,
Washington 5, D. C.

(Attention: R. B. Kremers, Assistant Secretary.)

GENTLEMEN: This will acknowledge your letter of May 6, 1952, regarding a judgment obtained against Carrier Jack Carpenter by Bruce J. Walthers, of Milwaukee, Wis.

This Department is without authority to reimburse a carrier who has been required to pay a judgment obtained in a civil suit in State court.

Sincerely yours,

ROY C. FRANK, Solicitor.